

Remarks

Prosecution of the instant application has been assumed by the firm of Foley & Lardner LLP. Please note the change in customer number and attorney docket number.

Claims 1, 8, 9, 14, 19 and 20 have been amended. No new matter has been introduced by these amendments. Support for these amendments is found in claims 7 and 13 but where the term “flap” has been replaced with “partition” (as set forth in the response to Objection set forth below). Furthermore, support for the term “partition” can be found in the specification at page 5, lines 19-23, which recites the structure and function of the partitions, and in figures 2 and 5 which illustrate the partitions.

Claims 7 and 13 have been cancelled. Applicant preserves the right to prosecute the cancelled claims, and those of equivalent or even greater scope in related applications.

Objections to the Drawings

The drawings are objected to under 37 CFR 1.121(d) as illustrating prior art. Figure 4 has been labeled as prior art as requested, and a replacement sheet is provided herewith. Accordingly, Applicant requests withdrawal of this objection.

Objections to the Claims

The Office has objected to claims 7, 8, 13 and 14 as failing to comply with 37 CFR 1.75(d)(1). Claims 7 and 13 have been cancelled. The objected term “flaps” in claims 8 and 14 has been amended to recite “partitions”. Support for this amendment is provided above. Applicant believes these actions cure the deficiencies under 37 CFR 1.75(d)(1) and do not add new matter to the claims. Accordingly, Applicant requests withdrawal of this objection.

Rejections Under 35 USC §102(b)

The claims stand rejected under 35 USC §102(b) in view of various references which will be discussed in turn. Applicant believes that the amendments to the claims render all such rejections moot, and respectfully requests withdrawal of the 102(b) rejections.

A. WO 01/30505

Claims 1, 2, 4-10, 12-18 and 20 stand rejected under 35 USC §102(b) as being anticipated by

the '505 application. Claims 7 and 13 have been cancelled. Independent claims 1, 9, 19 and 20 have been amended to recite that "the expandable wall includes at least one pair of corresponding connected partitions, wherein a first partition of the pair of partitions includes a first circumferential end attached to the circumference of the first side of the flexible chamber and wherein a second partition of the pair of partitions includes a second circumferential end attached to the circumference of the second side of the flexible chamber". Applicant asserts this partition structure is not disclosed by the '505 application.

The Office has construed the '505 application as disclosing "a flexible chamber ("bag set 20", page 3, line 25)" further having "an accordion wall (see Fig. 3)" (see, Office Action, page 3, paragraph 5). The Examiner has correctly identified that Fig. 3 illustrates a "bag set", *i.e.*, more than one bag, not a single bag. As shown in Fig. 3, there are six individual bags. The bags shown do not have accordion structures and do not have partitions. There is no discussion in the specification of the '505 application that suggests the bags may have accordion structures or may have partitions.

Applicant is the Vice President of Operations for Zymequest, Inc., the assignee of both the instant application and the '505 application. Accordingly, Applicant is a highly experienced engineer, who is responsible for and thoroughly familiar with all aspects of the company's technology. Applicant could provide a Declaration attesting as to the plural and nonpartitioned structure of the "bag set" disclosed in Fig. 3 of the '505 application, as distinct from the partitioned processing chambers claimed in the instant application, and may be able to obtain a Declaration from Mr. Jorgensen, a former employee and the inventor of the '505 application, should the Office require such steps for clarification of the disclosure of the prior art. No such declaration has been submitted herewith, since the Applicant believes upon reconsideration the Office will clearly recognize the differences between the applications.

Since the '505 application does not disclose a partitioned bag, as claimed in the instant application, Applicant respectfully asserts the '505 application does not anticipate the instant claims, and requests withdrawal of this rejection.

B. WO 02/28451

Claims 1-20 stand rejected under 35 USC §102(b) as being anticipated by the '451 application. Claims 7 and 13 have been cancelled. Applicant asserts the above amendments render this rejection moot. However, Applicant believes the '451 application is not a proper 102(b)

reference against the presently amended or even the original claims.

The '451 application is related to the instant application. Application 09/970,547 is the U.S. national phase application of the '451 application. The instant application claims priority to U.S.S.N. 09/970,547. Since these are related applications, Applicant respectfully asserts the '451 application does not anticipate the instant claims, and requests withdrawal of this rejection.

C. U.S. Patents 781,939 and 2,686,006

Claims 1-18 stand rejected under 35 USC §102(b) as being anticipated by the '939 patent. Claims 7 and 13 have been cancelled.

Claims 1 and 9 have been amended to include the limitation that "*the chamber is adaptable to a continuous flow centrifuge*". Support for these amendments is found in claim 9 as originally filed, and throughout the specification.

The '939 patent discloses a collapsible vessel, and is not suitable for sterile processing of blood products. The '006 patent discloses a pneumatic bellows pump and is also not suitable for sterile processing of blood products. Neither of these devices are able to be adapted to a continuous flow centrifuge. In fact, Applicant believes that this type of centrifuge technology did not even exist at the time these patents issued. Hence, Applicant believes the amended claims render the rejections moot.

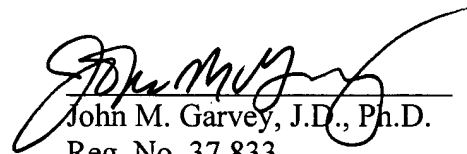
Since neither the '939 patent nor the '006 patent disclose a chamber adaptable to a continuous flow centrifuge, as claimed in the instant application, Applicant respectfully asserts the '939 patent and the '006 patent does not anticipate the instant claims, and requests withdrawal of these rejections.

Conclusion

Applicant submits that the present application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number 617-342-4000. The Commissioner is hereby authorized to charge payment of any filing fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-3431 (Reference No. ZQI-127US).

Respectfully submitted,

Date: September 15, 2005

A handwritten signature in black ink, appearing to read "John M. Garvey", is written over a horizontal line.

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